

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: U LOCK INC. a/k/a	)	
U-LOCK INC.	)	Case. 22-20823-GLT
	)	
Debtor.	)	
	)	

**NOTICE OF APPEAL**

**Part 1: Identify the appellant(s):**

1. Name of appellant(s): U Lock Inc.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in a bankruptcy case and not in an proceeding: Debtor.

**Part 2: Identify the appellees:**

1. Name of appellee(s):
  - a. Robert Slone, Trustee
  - b. Christine Biros, Alleged Creditor
  - c. Shanni Snyder, Alleged Creditor

For information regarding each Appellee's counsel, please reference Part 4 below.

**Part 3: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Order Denying Motion to Convert, Entry 110.

TEXT ORDER: On August 9, 2022, a hearing was conducted on the Motion to Convert Case from Chapter 7 to 11 [Dkt. No. 53] ("Motion"). It is hereby ORDERED, ADJUDGED, and DECREED that the Motion is DENIED for the reasons stated on the record. This text-only entry constitutes the Court's order and notice on this matter. Judge Taddonio Signed on 8/10/2022. (jhel) (Entered: 08/10/2022)

As the Order was text only, a copy is not attached but is fully set forth above.

2. State the date on which the judgment, order, or decree was entered: August 10, 2022.

The Order Denying Motion to Convert is a final order, immediately appealable as a matter of right. See *In re MacGibbon*, No. WW-05-1422-PaNK, 2006 WL 6810935, at \*11 (9th Cir. B.A.P. Aug. 14, 2006); *In re Sandoval*, 327 B.R. 493, 505 (1st Cir. B.A.P. 2005); see also *United States Trustee v. Sorrells (In re Sorrells)*, 218 B.R. 580, 582 (10th Cir. B.A.P. 1998) (holding that an order is appealable as of right under the collateral order doctrine pursuant to § 158(a)(1)). Further, the Order Denying Motion to Convert conclusively determines a discrete dispute within the larger bankruptcy case and leaves nothing more for that court to do in the case regarding this issue. See *Cascade Energy & Metals Corp. v. Banks* (In re Cascade Energy &

Metals Corp.), 956 F.2d 935, 938-39 (10th Cir. 1992) (ruling that the “appropriate judicial unit for application of these finality requirements in bankruptcy is not the overall case, but rather the . . . discrete controversy pursued within the broader framework cast by the petition”) (citations omitted). There will be no subsequent other final judgment into which this order will merge. *See Bank of New England Corp.*, 218 B.R. 643, 646 (1st Cir. B.A.P. 1998) (citing *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949)).

If the United States District Court for the Western District of Pennsylvania determines that the Order Denying Motion to Convert is interlocutory, then pursuant to Federal Rule of Bankruptcy Procedure 8004, the district court should direct appellant U Lock to file such a motion for leave to appeal or construe this Notice of Appeal as a motion for leave to appeal so that the matter can be fully briefed.

#### **Part 4: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses and telephone numbers of their attorneys (attach additional pages if necessary):

- |  |  |
|--|--|
| 1. Party: Debtor U Lock Inc. represented by    | J. Allen Roth, Esq.<br>805 S. Alexandria Street<br>Latrobe PA 15650<br>lawmatters@yahoo.com<br>(724) 537-0939  |
| 2. Trustee: Robert Slone, Esq. represented by: | Robert Slone, Esq.<br>223 South Maple Avenue<br>Greensburg PA 15601<br>(724) 834-2990<br><a href="mailto:robertslone223@gmail.com">robertslone223@gmail.com</a>  |
| 3. Alleged Creditor: Shanni Snyder             | Shanni Snyder<br>14390 Route 30<br>N. Huntingdon PA 15642<br><a href="mailto:shannis@pm.me">shannis@pm.me</a>  |
| 4. Alleged Creditor: Christine Biros rep. by:  | Sarah E. Wenrich<br>Robert S. Bernstein<br><a href="mailto:rbernstein@bernsteinlaw.com">rbernstein@bernsteinlaw.com</a><br><a href="mailto:swenrich@bernsteinlaw.com">swenrich@bernsteinlaw.com</a><br>601 Grant Street, Floor 9<br>Pittsburgh, PA 15219<br>(412) 456-8108 |

**Part 5: Optional election to have appeal heard by District Court** (applicable only in certain districts). If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

( ) Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel

Not applicable in this district.

**Part 6: Sign Below**

Respectfully submitted,

U LOCK INC.

By: /s/ J. Allen Roth, Esq.

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COUNSEL FOR THE DEBTOR